

REMARKS:

I. Introduction

In the Office Action mailed on July 9, 2008, the Examiner rejected claims 1 to 3, 7, 8, 10 to 12, and 15 to 17. The present amendment cancels no claims, amends claims 1, 2, 7, 8, 10, 11, and 15 to 17 and adds no new claims. Accordingly, claims 1 to 12, and 15 to 17 remain pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 103(a)

(a) The Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Caplette (US 6,012,257) in view of Cross et al. (US 2,258,973).

The present invention permits the sacrificial glazing panel to be installed and removed while the window assembly remains installed in a motor vehicle or other structure. Thus, the sacrificial glazing panel can be replaced without removing anything but the sacrificial glazing panel itself (note that the seals and/or gaskets remain in the retaining frame) so that the sacrificial glazing panel can be replaced quickly and inexpensively. The components are constructed so the sacrificial glazing panel can be inserted into the channel by bowing the sacrificial glazing panel. This requires a relatively wide channel (wider than the thickness of the glazing) so that a bowed edge of the sacrificial glazing panel can be inserted into the channel, a deep receiving section of the channel so that the opposite edge of the sacrificial glazing panel can be inserted into the channel, and a short outer lip of the channel so that the sacrificial glazing panel can more easily pass into the channel while still providing adequate support for the channel.

In contrast, the sacrificial glazing channel disclosed by Caplette has a narrow channel sized for an interference fit with the glazing (see figures 2 and 3), has a channel of constant depth about the periphery of the glazing to closely receive the glazing (see figure 2), and has an outer lip that is taller than the inner wall of the channel (see figure 2). This construction is designed to install the panel by inserting the top edge and flexing the seal with a tool and working it around the other edges of the panel (see column 5, lines 6 to 13). Cross et al. discloses a window sash having channels on left and right sides with one of the channels being

deeper. The examiner states that "it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section because it would allow for the easy and secured mounting of the glazing panel in the channels as taught by Cross et al." Applicant respectfully submits that Cross teaches having channels on opposed sides with one of them deeper. If Caplette were modified as taught by Cross et al., to have two opposed channels with one of them deeper, the channel would not extend around the periphery of the panel as required by the present invention. Additionally, Caplette nor Cross et al. teach that the width of the channel to be wider than the panel and the outer lip of the channel to be shorter than the inner wall of the channel.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein said second perimeter channel is wider than a thickness of said second glazing panel, said outer lip is shorter than said inner wall, and said second glazing panel is sufficiently thin and flexible so that said second glazing panel is able to be easily bowed so as to allow opposite edges of said second glazing panel to be drawn together sufficiently to be able to be passed by the outer lip of opposite sections of said second perimeter channel and allow another edge of said second glazing panel to be received in a receiving channel section of said second perimeter channel while said seal assembly is secured to said retainer frame" and "wherein said receiving channel section of said second perimeter channel is deeper than an opposite channel section of said second perimeter channel so that upon insertion of said another edge of said second glazing panel and movement towards the bottom of said receiving channel section of said second perimeter channel, an edge of said second glazing panel opposite said another edge clears said lip of said opposite channel section of said second perimeter channel which is shallower than said receiving channel section of said second perimeter channel to enable insertion and removal of said second glazing panel into and out of said second perimeter channel through said opening while said seal assembly remains secured to said retainer frame." No prior art of record reasonably discloses or suggests the present invention as defined by amended claim 1. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 1 to 3, 7, 8, 10 to 12, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,131,194) in view of Bargados et al. (US 5,809,707) and Cross et al. (US 2,258,973).

As indicated above, the present invention permits the sacrificial glazing panel to be installed and removed while the window assembly remains installed in a motor vehicle or other structure. Thus, the sacrificial glazing panel can be replaced without removing anything but the sacrificial glazing panel itself (note that the seals and/or gaskets remain in the retaining frame) so that the sacrificial glazing panel can be replaced quickly and inexpensively. The components are constructed so the sacrificial glazing panel can be inserted into the channel by bowing the sacrificial glazing panel. This requires a relatively wide channel (wider than the thickness of the glazing) so that a bowed edge of the sacrificial glazing panel can be inserted into the channel, a deep receiving section of the channel so that the opposite edge of the sacrificial glazing panel can be inserted into the channel, and a short outer lip of the channel so that the sacrificial glazing panel can more easily pass into the channel while still providing adequate support for the channel.

In contrast, each channel disclosed by Anderson has a narrow channel sized for the panel and is provided with cusps to ensure an interference fit with the glazing (see figure 1), the channels each have a constant depth about the periphery of the glazing to closely receive the glazing (see figure 1), and has an outer lip that is equal to the inner wall of the channel (see figure 1). This construction is designed to first install the panels into the gasket and then to install the gasket into the frame. (see column 5, lines 46 to 65). Cross et al. discloses a window sash having channels on left and right sides with one of the channels being deeper. The examiner states that "it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section because it would allow for the easy and secured mounting of the glazing panel in the channels as taught by Cross et al." Applicant respectfully submits that Cross teaches having channels on opposed sides with one of them deeper. If Caplette were modified as taught by Cross et al., to have two opposed channels with one of them deeper, the channel would not extend around the periphery of the panel as required by the

present invention. Additionally, Anderson nor Cross et al. nor Bargados et al teach that the width of the channel to be wider than the panel and the outer lip of the channel to be shorter than the inner wall of the channel.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein said second perimeter channel is wider than a thickness of said second glazing panel, said outer lip is shorter than said inner wall, and said second glazing panel is sufficiently thin and flexible so that said second glazing panel is able to be easily bowed so as to allow opposite edges of said second glazing panel to be drawn together sufficiently to be able to be passed by the outer lip of opposite sections of said second perimeter channel and allow another edge of said second glazing panel to be received in a receiving channel section of said second perimeter channel while said seal assembly is secured to said retainer frame" and "wherein said receiving channel section of said second perimeter channel is deeper than an opposite channel section of said second perimeter channel so that upon insertion of said another edge of said second glazing panel and movement towards the bottom of said receiving channel section of said second perimeter channel, an edge of said second glazing panel opposite said another edge clears said lip of said opposite channel section of said second perimeter channel which is shallower than said receiving channel section of said second perimeter channel to enable insertion and removal of said second glazing panel into and out of said second perimeter channel through said opening while said seal assembly remains secured to said retainer frame." No prior art of record reasonably discloses or suggests the present invention as defined by amended claim 1. Reconsideration and withdrawal of the rejection is requested.

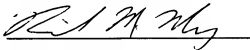
(c) The Examiner rejected dependent claim 15 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,131,194) in view of Gasteuger (US 3,720,026).

Dependent claim 15 is allowable as depending from allowable independent claim 1 as discussed above and for novel and non-obvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

III. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Richard M. Mescher', is written over a horizontal line.

Richard M. Mescher
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP
41 South High Street
Columbus, Ohio 43215
(614) 227-2026
Fax: (614) 227-2100

October 8, 2008